

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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FERNESSIA R. L.,

Plaintiff,

STIPULATION AND ORDER

v.

6:24-cv-00995-AMN-ML

LELAND DUDEK<sup>1</sup>,  
*Acting Commissioner of Social Security,*

Defendant.  
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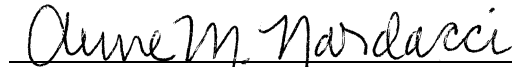
This matter having been opened to the Court by DANIEL HANLON, United States Attorney for the Northern District of New York, and Fergus Kaiser, Special Assistant United States Attorney, attorneys for Defendant, for an Order remanding the within cause of action to the Defendant pursuant to sentence 4 of 42 U.S.C. § 405(g) so that further administrative action may be taken, including offering Plaintiff the opportunity for a new hearing, and a new decision will be issued; and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the parties having consented to the entry of judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure, and the Court having considered the matter,

IT IS on this 5th day of March, 2025 ;

ORDERED that the final decision of the Commissioner be and hereby is REVERSED, and the matter is REMANDED to the Defendant for this further administrative action, and it is further ORDERED that the within matter, be and hereby is, DISMISSED in accord with the decision in *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

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<sup>1</sup> Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted for Michelle King as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).



Hon. Anne M. Nardacci  
United States District Judge

The undersigned hereby consent to the form and entry of the within order.

Dated: New York, New York  
February 27, 2025

DANIEL HALON  
United States Attorney

By: /s/ Fergus Kaiser  
Fergus Kaiser  
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Dated: Amherst, New York  
February 27, 2025

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